IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EITHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 2222 of 2000

Between:

J.Vedanayakam S/o Sri Purshotham, aged about 54 years, Occupation-Constable No.843190114, CISF, Shar Centre, Sriharikota – 524 124, Nellore District, Andhra Pradesh.

..... PETITIONER

AND

The Commandant, C.I.S.F,Unit, Shar Centre, Sriharikota-524 124, Nellore District, Andhra Pradesh.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records and examine the matter as to justification of the recovery by issuing a writ particularly in the nature of Mandamus or any other appropriate Writ or direction to the respondent to withdraw the impugned order to the extent of the salary of the petitioner continued in the order of the respondent bearing No. E.27015/SHAR/Ex.SM/VPC/Accts/99-2273 dated 12.7.1999 of the Commandant, Unit Shar Centre, Sriharikota.

Counsel for the Petitioner:Mr.Mohd. Yousufuddin

Counsel for the Respondent : Mr. P. Phalguna Rao.

The Court made the following :

O R D E R:

This Writ Petition is filed against the order passed by the Commandant, Central Industrial Security Force (CISF), SHAR Centre, Sriharikota, Nellore District, Andhra Pradesh, in his proceedings No. E.27015/SHAR/Ex.SM/VPC/Accts. /99-2273 dated 12.7.1999, wherein an amount of Rs.37,800/- was sought to be recovered from the petitioner along with others on instalment basis.

A detailed counter affidavit is filed by the respondent, wherein it is stated that consequent upon the enhancement of army pension, his pay fixation was done in CISF resulting in over-payment of a sum of Rs.37,800/- from 1.1.1996 to 30.7.1999. Therefore, it was decided to recover the same in 42 monthly instalments at the rate of Rs.900/-. It is further stated that till 31.12.1995 no amount was recovered from the petitioner.

However, consequent upon re-fixation of pay due to the 5th Pay Commission recommendation as per the orders of the Government of India the Army pension was enhanced to Rs.1,275/- from Rs.375/- i.e. the differential amount of Rs.900/- was taken into account while re-fixing the pension as per O.M.No.3/12-97/Estt. (pay-2), dt.19.11.1997. The pay of the petitioner was re-fixed at Rs.3,170/- without any deductions and the amount of Rs.37,800/- which was recovered from the petitioner is not to be recovered.

In view of the stand taken by the respondent, the cause in the writ petition does not survive. However, if the petitioner is entitled for any other

benefit due to increase in the Army pension and if the petitioner is entitled for further arrears etc., this order will not come in his way and he is at liberty to take appropriate steps as available under law. With the above observation, the writ petition is disposed of as such. No costs.

8th October 2004

BCS

To

1. The Commandant, C.I.S.F,Unit, Shar Centre,

Sriharikota-524 124, Nellore District, Andhra Pradesh.

2) 2.CD copies.